Supreme Court, U.S.
FILED

(1)

No. 021152 FEB -3 2003

OFFICE OF THE CLERK

In The

Supreme Court of the United States

NORAH THURMAN,

Petitioner,

v.

THE BOARD OF SUPERVISORS OF LOUISIANA STATE UNIVERSITY AND AGRICULTURAL AND MECHANICAL COLLEGE,

Respondents.

On Petition For A Writ Of Certiorari To The State Of Louisiana Court Of Appeal, First Circuit

PETITION FOR A WRIT OF CERTIORARI

SCOTT D. WILSON
7916 Wrenwood Boulevard
Suite B
Baton Rouge, Louisiana 70809
(225) 216-7722
(225) 216-7732 Fax

Counsel of Record for Petitioner

COCKLE LAW BRIEF PRINTING CO. (800) 225-6964
OR CALL COLLECT (402) 342-2831

27 pp

QUESTIONS PRESENTED FOR REVIEW

Norah Thurman, petitioner, was wrongfully dismissed from a Ph.D. program at Louisiana State University and Agricultural and Mechanical College ("LSU"). In at least two decisions, *Board of Curators, Univ. Of Mo. v. Horowitz*, 435 U.S. 78 (1978) and *Regents of University of Michigan v. Ewing*, 474 U.S. 214 (1985), this Court has addressed academic dismissals from colleges or universities. In both cases, the Court assumed the existence of a protected property interest giving rise to substantive rights under the due process clause to continued enrollment free from arbitrary state action. In *Ewing*, the Court set forth the standard for determining arbitrary and capricious behavior in this context: **"When judges are asked to review the substance of a genuinely academic decision, . . . they should show great respect for the faculty's professional judgment. Plainly, they may not override it unless it is such a substantial departure from accepted academic norms as to demonstrate that the person or committee responsible did not actually exercise professional judgment."** 474 U.S. at 225. LSU failed to follow its own published rules and policies.

1. Has the Louisiana court decided an important question of law in a way that conflicts with relevant decisions of this Court, particularly *Ewing* and *Horowitz*?

2. Does the dean of the graduate school's unprecedented dismissal of the entire graduate advisory committee indicate that the committee failed to actually exercise professional judgment?

QUESTIONS PRESENTED FOR REVIEW – Continued

3. Is there a genuine issue as to material fact concerning whether LSU violated Ms. Thurman's substantive due process rights by its substantial departures from accepted academic norms?

LIST OF ALL PARTIES

1. Norah Thurman, plaintiff-petitioner.
2. The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, defendant-respondent.
3. Paul Hoffman, defendant.
4. James West, defendant.
5. Jana Oetting, defendant.
6. Jan Norris, defendant.
7. Hugh Buckingham, defendant.
8. John Larkin, defendant.

TABLE OF CONTENTS

	Page
OPINIONS BELOW	1
STATEMENT OF JURISDICTION	1
RELEVANT CONSTITUTIONAL PROVISIONS	1
STATEMENT OF THE CASE	2
A. The Advisory Committee and the Dissertation Defense	2
B. The Requirement of an "Independent Revision"	3
C. The Alleged Vote to Fail the Dissertation and the Reckless Accusation	4
D. The First Appeal and the Larkin Agreement	5
E. The Findings of Tashakkori and Wandersee	7
F. Larkin's Startling About-Face	8
G. The Second Appeal	9
H. Court Action	10
REASONS FOR ALLOWANCE OF WRIT	10
CONCLUSION	14

TABLE OF AUTHORITIES

Page

CASES

Board of Curators, Univ. of Mo. v. Horowitz, 435 U.S. 78 (1978) 10, 11, 13

Bodker v. La. St. High Sch. Athletic Ass'n, 472 So.2d 941 (La.App. 1 Cir. 1985) 12, 13

Regents of Univ. of Mich. v. Ewing, 474 U.S. 214 (1985) 10, 11, 12, 13

Stoller v. College of Medicine, 562 F.Supp. 403 (M.D.Pa. 1983), *affirmed*, 717 F.2d 1101 (3d Cir. 1984) 11

OTHER AUTHORITIES

28 U.S.C. 1257 1

Louisiana Constitution, article 1, section 2 1

Constitution of the United States, Amendment XIV, section 1 1

OPINIONS BELOW

LSU moved for summary judgment in the trial court. Judge Michael McDonald denied LSU's motion for summary judgment (App. 3-6). LSU applied for supervisory writs to the Louisiana Court of Appeal, First Circuit, which granted the writ and reversed the district court on July 15, 2002 (App. 1-2). Ms. Thurman applied for writs to the Louisiana Supreme Court, which denied the writ application on November 8, 2002 (App. 7).

STATEMENT OF JURISDICTION

The judgment sought to be reviewed was entered on July 15, 2002, by the Louisiana Court of Appeal, First Circuit; the Louisiana Supreme Court denied discretionary review by order dated **November 8, 2002**. This Court has jurisdiction to review the judgment on a writ of certiorari pursuant to 28 U.S.C. 1257.

RELEVANT CONSTITUTIONAL PROVISIONS

No person shall be deprived of life, liberty, or property, except by due process of law.

Louisiana Constitution, article 1, section 2.

No state shall . . . deprive any person of life, liberty, or property, without due process of law.

Constitution of the United States, Amendment XIV, section 1.

STATEMENT OF THE CASE

A. The Advisory Committee and the Dissertation Defense.

Norah Thurman entered LSU's graduate school in the fall semester 1991. She was accepted into the doctoral program in the Department of Communication Sciences and Disorders ("COMD") in the spring semester 1992. At all relevant times, her advisory committee was composed of Jan Norris, Jana Oetting, Hugh Buckingham, Paul Hoffman (Ms. Thurman's major professor and chair of her advisory committee), and James West (from outside the department). LSU's Graduate Bulletin provides that **"[d]uring the entire period of work toward the doctorate, the student's program is directed by a special advisory committee."**

Ms. Thurman met with Hoffman, her major professor, about once a month while preparing her dissertation. Ms. Thurman would submit drafts of her dissertation to Hoffman, who would then edit the submissions and propose areas for further research. Hoffman also reviewed and approved the prospectus, and provided guidance to Ms. Thurman in terms of what to include in the dissertation and how to do the statistical analysis. Hoffman testified in deposition that he was the director of Ms. Thurman's dissertation, and that as such he would look at the work and try to make sure that it was headed in the right direction.

In February 1997, Ms. Thurman took her final examination, which was an oral defense before her graduate advisory committee. The committee decided not to accept Ms. Thurman's dissertation as written but to require Ms. Thurman to revise her dissertation. Ms. Thurman was

assigned a grade of "U" for the spring 1997 semester. According to Hoffman, a revision of a doctoral dissertation is required after most oral defenses, and the student is always assisted by the advisory committee during the rewrite.

B. The Requirement of an "Independent Revision."

In Ms. Thurman's case, however, her advisory committee required her to conduct an "independent" revision, without any guidance or direction from her committee during the period of revising her dissertation. The ostensible reason for requiring Ms. Thurman to conduct an independent revision was due to "numerous substantive problems" with the dissertation.

The "independent revision" requirement that LSU imposed on Ms. Thurman is directly contrary to the LSU Graduate Bulletin, which states that "[d]uring the entire period of work toward the doctorate, the student's program is directed by a special advisory committee." Hoffman testified that the advisory committee typically continues to work with the student and direct the dissertation and provide guidance during the revision process, and that never in his experience has any student other than Ms. Thurman been required to conduct an independent revision. Another member of Ms. Thurman's advisory committee, James West, testified that he had never before seen or heard of a requirement that a student conduct an independent revision. Similarly, John Larkin, the interim dean of the graduate school at relevant times, testified that he has never seen an independent revision requirement other than in Ms. Thurman's case.

Ms. Thurman met with the interim dean of the graduate school, John Larkin, on March 12, 1997, to discuss her concerns about the handling of her dissertation. She wrote to Larkin on August 5, 1997 to express her concerns about the apparent bias of her committee against her, to question the committee's motives, and to complain about the unprecedented requirements being imposed on her.

Ms. Thurman revised her dissertation without any access to and without any guidance or input from her advisory committee during her rewrite. She submitted the revised dissertation in October 1997 and received a grade of "S" for the fall 1997 semester.

C. The Alleged Vote to Fail the Dissertation and the Reckless Accusation.

According to LSU, the committee allegedly met in January 1998. Apparently no one knows the date or location of this alleged meeting. Ms. Thurman was not invited to attend the meeting to defend her dissertation, another unprecedented procedural irregularity. At the meeting, the committee allegedly voted to fail Ms. Thurman's dissertation; there are no records or notes of this meeting. Ms. Thurman suspects that the committee's decision to fail her dissertation was motivated wholly or in substantial part by retaliation for Ms. Thurman's having gone to Larkin to complain about the unfair and unusual requirement that she conduct an independent revision without supervision.

Hoffman testified that, other than Ms. Thurman, he has not been involved in any situations where a dissertation failed.

Hoffman wrote to Ms. Thurman on January 28, 1998, advising Ms. Thurman of the committee's decision to fail her dissertation. Most startling in Hoffman's letter is his reckless and false allegation that the "most severe problem with the document involved a breech [sic] of academic integrity with regard to the conduct of the study and its reporting." LSU failed to follow its own policies and procedures regarding this damaging allegation. LSU Policy Statement PS-69 provides detailed procedures for immediately reporting and investigating allegations of misconduct in research. It specifically provides that if the investigation fails to substantiate the charges, LSU "will undertake reasonable efforts to restore the respondent's reputation." Ms. Thurman was never informed of any investigation as required by PS-69. There was certainly no effort made to restore Ms. Thurman's reputation. LSU denied Ms. Thurman due process in connection with this reckless, unsubstantiated, and harmful allegation.

D. The First Appeal and the Larkin Agreement.

Interim Dean Larkin wrote to Ms. Thurman on March 17, 1998, forwarding the forms under LSU Policy Statement PS-48.03 for a grade appeal. Larkin's letter stated that steps 1 and 2 (which would have involved Hoffman) would not need to be followed, and in his deposition he testified that this was because by that time the relationship between Ms. Thurman and Hoffman "had dissipated to the point that I did not think it would be fair to make her go back there unless she wanted to."

On August 20, 1998, Ms. Thurman submitted the Student Appeal Form, including a detailed Statement of Appeal. Larkin acknowledged receipt of the appeal by

letter dated September 1, 1998. PS-48.03 at that time required that "the dean or other administrator must make his decision within 30 days of receipt of the student's appeal." Larkin wrote Ms. Thurman on November 6, 1998, that "the normal 30 day period to resolve you [sic] case cannot be adhered to." Ms. Thurman followed all procedures for an appeal, but LSU did not.

On December 22, 1998, Larkin wrote to Ms. Thurman to advise her as follows:

> **I have completed a thorough investigation of your grade appeal in COMD 9000 and have reached the following decisions. Your grade for COMD 9000 for the spring semester of 1998 will be changed from a U to a S and you will be given a chance to rewrite and defend your dissertation before a new committee during the upcoming spring semester.**
>
> **I am appointing Dr. Tashakkori from ELRC and Dr. Wandersee from EDCI to read your dissertation and provide a critique that will provide you with the guidance you will need for any necessary revisions of your dissertation document. When any revisions are completed you will be allowed to defend your dissertation with a new committee.**
>
> **[A]s you make any necessary revisions to your dissertation, you can contact any member of your committee for input and advice. You can use any means for doing this including personal visits, mail, email, or telephone.**

Clearly, Larkin had dismissed Ms. Thurman's entire graduate advisory committee after completing "a thorough investigation" of her grade appeal. This unprecedented action demonstrates that the actions of the professors comprising Ms. Thurman's graduate advisory committee substantially departed from accepted academic norms of the university. Larkin's action alone creates a genuine issue as to material fact as to whether LSU thereby denied Ms. Thurman due process, and prevents summary judgment here. The state appellate court apparently ignored Larkin's action and his letter of December 22, 1998.

E. The Findings of Tashakkori and Wandersee.

After reviewing the dissertation, both Tashakkori and Wandersee expressed concerns about the design of the study. The design of the study was of course approved and in fact directed by Ms. Thurman's advisory committee. The allegedly fatal flaws identified by Tashakkori and Wandersee were problems that Ms. Thurman's advisory committee either negligently failed to prevent or affirmatively directed.

For example, both Tashakkori and Wandersee criticized Ms. Thurman's use of parametric statistical analysis (as distinguished from nonparametric analysis) in her dissertation. But the fact is that Hoffman specifically recommended that Ms. Thurman use parametric analysis.

The advisory committee approved the design of the study in Ms. Thurman's prospectus, and in Ms. Thurman's oral defense in February 1997 there was no suggestion that the dissertation had fatal flaws in its design. Instead, Ms. Thurman's advisory committee felt that it would have been possible to correct whatever flaws were identified.

The comments of Tashakkori and Wandersee confirmed Larkin's decision to dismiss Ms. Thurman's graduate advisory committee for failure to teach and supervise in accordance with "accepted academic norms." The state appellate court either ignored these professors' comments or failed to grasp their import.

F. Larkin's Startling About-face.

Larkin had proposed a new procedure on December 22, 1998, that promised Ms. Thurman would receive a critique that would provide guidance for any necessary revisions, and that when any revisions were completed with the guidance of a new graduate advisory committee, she will be allowed to defend her dissertation before the new committee. If these promises had been kept, Ms. Thurman would not be in court now. Unfortunately, however, LSU failed to keep its promise to follow the procedures outlined in Larkin's letter.

More than a month after receiving Tashakkori and Wandersee's memoranda, and having received no indication from LSU that it would follow Larkin's December 22 letter, Ms. Thurman wrote to Larkin on March 14, 1999, proposing to revise her dissertation to address their concerns. Larkin's response of April 7, 1999, is astonishing. His letter to Ms. Thurman states, "You told me in no uncertain terms in our last meeting that you would not make any changes to your document." This statement is obviously false, as a quick review of Larkin's December 22, 1998, letter to Ms. Thurman and his January 6, 1999, letter to Tashakkori and Wandersee makes clear. These letters discuss practically nothing but the proposition that Ms. Thurman would revise her dissertation with guidance

from Tashakkori and Wandersee and under the direction of a new advisory committee that Larkin would appoint.

Larkin's April 7, 1999, letter to Ms. Thurman went on to advise her that April 10 at noon was the "final date for turning in an acceptable dissertation, and I do not see how you could make the appropriate changes, defend them before a committee, and make any subsequent revisions within that time. Thus, it appears likely that you will receive a U in research again this semester. If this occurs, you may, of course, file an appeal of the grade as you did in the past." It is unclear exactly who assigned Ms. Thurman the grade of "U" for the spring semester, because there was no committee in place. Under LSU policy, an advisory committee is the only entity charged with advising, directing, and evaluating a doctoral student's progress.

G. The Second Appeal.

In response to this, Ms. Thurman on April 13, 1999, wrote to LSU Chancellor William Jenkins. She advised that she had revised her dissertation to address the concerns expressed by Tashakkori and Wandersee, and she invited Jenkins to contact her to discuss means by which to resolve the situation. At this point, there was no one to whom Ms. Thurman could submit her revised dissertation, as no committee had been appointed for her.

In fact, LSU responded on May 11, 1999, discussing the appointment of a new committee to be composed of "four faculty members appointed by Dr. Larkin." This letter states that LSU considered Ms. Thurman's April 13 letter as an appeal. In her May 24, 1999, letter, Ms. Thurman expressly asked to whom she should send her revised dissertation. She never received an answer. LSU

failed to follow its established appeal procedures in connection with this appeal by Ms. Thurman.

H. Court Action.

Ms. Thurman filed suit in Louisiana state court on November 15, 1999, alleging denial of due process. The state district court denied LSU's motion for summary judgment. LSU applied for supervisory writs to the Louisiana Court of Appeal, First Circuit, which granted the writ and summarily reversed the district court on July 15, 2002. Ms. Thurman applied for writs to the Louisiana Supreme Court, which denied the writ application on November 8, 2002.

REASONS FOR ALLOWANCE OF WRIT

The Louisiana court has decided an important question of law in a way that conflicts with relevant decisions of this Court.

In at least two decisions, *Board of Curators, University of Missouri v. Horowitz*, 435 U.S. 78 (1978) and *Regents of University of Michigan v. Ewing*, 474 U.S. 214 (1985), this Court has addressed cases involving academic dismissals from colleges or universities. In both cases, the Court assumed the existence of a protected property interest giving rise to substantive rights under the due process clause to continued enrollment free from arbitrary state action. In *Ewing*, the Court set forth the standard for determining arbitrary and capricious behavior in this context: "When judges are asked to review the substance of a genuinely academic decision, . . . they should show great respect for the

faculty's professional judgment. Plainly, they may not override it unless it is such a substantial departure from accepted academic norms as to demonstrate that the person or committee responsible did not actually exercise professional judgment." 474 U.S. at 225. In the case at bar, LSU acted arbitrarily and capriciously; LSU's substantial departure from accepted academic norms (its own published policies and rules, including Larkin's December 22, 1998, letter dismissing the entire advisory committee) demonstrates that LSU did not actually exercise professional judgment.

In addition, in *Horowitz*, the Court in reaching its conclusion that "a hearing is not required"[1] by the due process clause, emphasized the "significant and historically supported interest of the school in preserving its present framework for academic evaluations." 435 U.S. at 87, n. 3. To the extent that LSU's " interest . . . in preserving its present framework for academic evaluations" is implicated, this interest is thwarted, not furthered, by allowing LSU to disregard its own published policies. Besides, *Horowitz* deals with procedural due process, and this case involves primarily substantive due process. The *Horowitz* court acknowledged this distinction and found it

[1] At least one court has expressed disagreement with the conclusion that no hearing is required for academic dismissals. See *Stoller v. College of Med.*, 562 F.Supp. 403, 414 (M.D.Pa. 1983) (evaluating concurring and dissenting opinions of other justices in *Horowitz*, court concluded that "Justice Rehnquist's belief that the due process clause does not require a hearing for dismissal for academic reasons is not the view at this time of the majority of the Supreme Court and therefore is not the law of the land. Justice Rehnquist's statement is not necessary to his decision and is dicta."), *aff'd*, 717 F.2d 1101 (3d Cir. 1984).

necessary to address whether a showing of arbitrariness or capriciousness had been made in that case, even after deciding the procedural due process claim adversely to the plaintiff.

LSU's failure to follow and comply with its own written policies constitutes a substantial departure from accepted academic norms, which is a violation of substantive due process. *Ewing*, 474 U.S. at 225. This substantial departure reveals that LSU did not actually exercise professional judgment, or at the very least there is a genuine issue of material fact on this point.

In *Bodker v. La. St. High School Athletic Assn.*, 472 So.2d 941 (La.App. 1 Cir. 1985), the Court stated that "when the Association has adopted certain rules in its own Constitution and Bylaws, which set forth certain procedural requirements, 'minimum' due process requires the Association to abide by its own rules." 472 So.2d at 945. Similarly, in the case at bar, when LSU has adopted certain rules, setting forth certain procedural requirements, minimum due process requires LSU to abide by its own rules. LSU did not have to adopt or enact any specific procedural rules or policies, and could even now abolish its procedural rules and policies[2]; but once it established and

[2] In fact, PS-48, LSU's appeal policy, has been amended since Ms. Thurman's appeal in certain significant respects. For example, when Ms. Thurman took her appeal, the policy provided that at step three, "the dean or other administrator must make his decision within 30 days from the date of receipt of the student's appeal." This was not done here. The amended policy changes the above mandatory language to: "the Step Three administrator will make every reasonable effort to make a decision within 30 calendar days from the date of receipt of the

(Continued on following page)

published its own policies and rules, due process requires that it follow them. *Ewing* informs us that LSU's substantial departure from its accepted academic norms reveals that professional judgment was not actually exercised, but that LSU acted arbitrarily and capriciously.

Under the facts presented here and the law as expressed in *Bodker*, *Ewing*, and *Horowitz,* there can be no doubt that LSU has denied Ms. Thurman due process by violating and failing to follow its own established procedures.

Ewing establishes Ms. Thurman's substantive due process right to pursue her doctorate free from arbitrary state action, and defines the relevant standard as whether the academic decision was "such a substantial departure from accepted academic norms as to demonstrate that the person or committee responsible did not actually exercise professional judgment." There is a genuine issue of material fact on this issue in this case.

To this day, Ms. Thurman still has her revised dissertation and is prepared to submit it, but LSU has failed to appoint a committee for her as required by LSU policies and as promised by Larkin in his December 22, 1998, letter. LSU's actions have been irrational and motivated by bad faith or ill will unrelated to Ms. Thurman's academic performance. Its actions have not been a valid exercise of professional academic judgment.

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student's written appeal." At the relevant time, the 30-day period was mandatory, and the "reasonable effort" language was not in effect.

CONCLUSION

For the foregoing reasons, this Court should grant a writ of certiorari in this matter and reverse the Louisiana Court of Appeal, First Circuit, and remand this matter to the state district court for further proceedings. Alternatively, this Court should reverse and render judgment in favor of Ms. Thurman, and remand to the district court for calculation of damages.

Respectfully submitted,

SCOTT D. WILSON
7916 Wrenwood Boulevard
Suite B
Baton Rouge, Louisiana 70809
(225) 216-7722
(225) 216-7732 Fax

Counsel of Record for Petitioner

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

NORAH THURMAN

VERSUS

THE BOARD OF SUPERVISORS OF LOUISIANA STATE UNIVERSITY AND AGRICULTURAL AND MECHANICAL COLLEGE

NO. 2002 CW 0599

JUL 15 2002

In re: The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 466,572, Div. "H"

BEFORE: CARTER, WHIPPLE, GUIDRY, DOWNING AND JAMES, JJ.

WRIT GRANTED. The trial court erred in denying relator's motion for summary judgment. When judges are asked to review the substance of a genuinely academic decision, such as this one, they should show great respect for the faculty's professional judgment. Plainly, they may not override it unless it is such a substantial departure from accepted academic norms as to demonstrate that the person or committee responsible did not actually exercise professional judgment. **Regents of University of Michigan v. Ewing**, 106 S.Ct. 507, 474 U.S. 214, 80 L.Ed.2d 523 (1985). Plaintiff cannot demonstrate in the case at bar that relator and/or its faculty substantially departed from accepted academic norms and did not exercise professional judgment. Moreover, as the Supreme Court held in **Board of Curators of University of Missouri v. Horowitz**, 98

S.Ct. 948, 435 U.S. 78, 55 L.Ed.2d 124 (1978), a student dismissed for academic reasons is not entitled to a hearing before the decisionmaker, but the student must only receive notice of the school's dissatisfaction with his or her academic performance and with the threat of possible dismissal. In the case at bar, plaintiff received such notice. Regarding plaintiff's claim that relator failed to follow its procedures regarding the allegation of breach of academic integrity, this allegation was not the basis upon which plaintiff's dissertation was failed; therefore plaintiff cannot demonstrate any prejudice from the alleged failure to follow school procedures. As to plaintiff's complaint that appeal procedures were not followed, in those instances, the actions were to accommodate plaintiff. Therefore, the writ is granted, the judgment of the trial court denying the motion for summary judgment is reversed, the motion for summary judgment is granted, and judgment is entered in relator's favor, dismissing plaintiff's petition with prejudice.

ACJ
BJC
VGW
RDD

Guidry, J., dissents and would deny the writ.

COURT OF APPEAL, FIRST CIRCUIT

/s/ [Illegible]
DEPUTY CLERK OF
COURT
FOR THE COURT

Judge A. Clayton James is serving as judge *pro tempre* by special appointment of the Louisiana Supreme Court.

NINETEENTH JUDICIAL DISTRICT COURT
STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE

NORAH THURMAN	:	
	:	
VERSUS	:	NUMBER
THE BOARD OF SUPERVISORS OF	:	466,572
LOUISIANA STATE UNIVERSITY	:	DIVISION "H"
AND AGRICULTURAL AND	:	
MECHANICAL COLLEGE	:	

ORDER

(Filed Feb. 21, 2002)

This matter came before the Court on Monday, January 28, 2002, on a motion for summary judgment filed by defendant the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College. Considering the law, the evidence, and the arguments of counsel, and for reasons orally assigned:

IT IS ORDERED that the motion for summary judgment is DENIED, the Court believing there are genuine issues of material fact.

Baton Rouge, Louisiana, this 25th day of February, 2002.

/s/ J. Michael McDonald
Judge, Nineteenth
Judicial District Court

Respectfully Submitted by Attorneys:

TAYLOR, PORTER, BROOKS & PHILLIPS, L.L.P.

By /s/ John P. Murrill
John P. Murrill (#23878)
451 Florida St., 8th Floor
Post Office Box 2471
Baton Rouge, Louisiana 70821
Telephone: (225) 387-3221
Facsmile: (225) 346-8049

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was this day mailed, postage prepaid, to Scott D. Wilson, 7916 Wrenwood Boulevard, Suite "B", Baton Rouge, Louisiana, 70809.

Baton Rouge, Louisiana, this 21 day of February, 2002.

/s/ John P. Murrill
John P. Murrill

NINETEENTH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA
CIVIL DIVISION "H"

NORAH THURMAN	*	NO. 466,572
VS.	*	(Filed
BOARD OF SUPERVISORS OF LSU, ET AL.	*	Feb. 15, 2002)

ORAL REASONS FOR JUDGMENT
MONDAY, JANUARY 28, 2002
BEFORE THE
HONORABLE J. MICHAEL MCDONALD,
JUDGE PRESIDING

APPEARANCES:

SCOTT D. WILSON : ON BEHALF OF PLAINTIFF

JOHN P. MURRILL : ON BEHALF OF DEFENDANT

REPORTED BY
CARMEL M. BURNS, CCR
OFFICIAL COURT REPORTER

/s/ Carmel M. Burns
DY. CLERK OF COURT

A TRUE COPY
/s/ Carmel M. Burns
DY. CLERK OF COURT

MONDAY, JANUARY 28, 2002

THE COURT: ALL RIGHT. THE QUESTION FOR THE COURT TODAY IS NOT TO DECIDE WHETHER SHE WILL PREVAIL OR WHAT SHE MIGHT GET IF SHE DOES – WELL, I GUESS PARTLY THAT'S WHAT I AM HERE TO DO. THE QUESTION IS ARE THERE ANY MATERIAL FACTS AT ISSUE HERE AND I THINK THERE ARE AND THE MOTION IS DENIED.

CERTIFICATE

I, CARMEL M. BURNS, OFFICIAL COURT REPORTER, NINETEENTH JUDICIAL DISTRICT COURT, PARISH OF EAST BATON ROUGE, STATE OF LOUISIANA, DO HEREBY CERTIFY THAT THE FOREGOING PAGES CONSTITUTE A TRUE AND CORRECT TRANSCRIPT OF THE CAPTIONED PROCEEDINGS, AS TAKEN BY ME ON THE STENOTYPE MACHINE, TO THE BEST OF MY KNOWLEDGE AND ABILITY.

WITNESS MY HAND, THE 14TH DAY OF FEBRUARY, 2002.

/s/ Carmel M. Burns
CARMEL M. BURNS, CCR #87178
OFFICIAL COURT REPORTER
NINETEENTH JUDICIAL
DISTRICT COURT

The Supreme Court of the State of Louisiana

NORAH THURMAN

VS.

NO. 2002-CC-2173

THE BOARD OF SUPERVISORS OF LOUISIANA STATE UNIVERSITY AND AGRICULTURAL AND MECHANICAL COLLEGE

IN RE: Thurman, Norah; – Plaintiff; Applying for Supervisory and/or Remedial Writs, Parish of E. Baton Rouge, 19th Judicial District Court Div. H, Nos. 466,572; to the Court of Appeal, First Circuit, No. 2002 CW 0599

November 8, 2002
Denied.

CDT
PFC
CDK
BJJ
JPV
JTK
JLW

Supreme Court of Louisiana
November 8, 2002

/s/ [Illegible]
Deputy Clerk of Court
For the Court